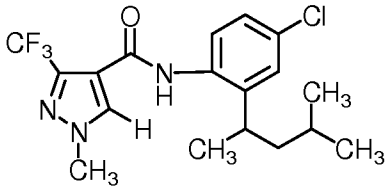
REMARKS

Applicants gratefully acknowledge withdrawal of the previous rejections under 35 U.S.C. 103(a) in view of previous amendments. Applicants also acknowledge the statement in the Final Office Action at page 3 about the scope of the examination and note particularly the further statement that examination has been expanded to include N-[4-chloro-2-(1,3-dimethylbutyl)phenyl]-1-methyl-3-(trifluoromethyl)-1H-pyrazole-4-carboxamide) having the formula



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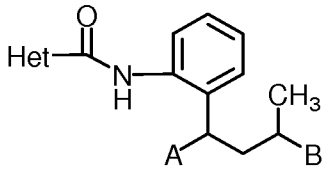
In view of the expansion of examination beyond the elected species and further in view of the grounds of rejection discussed below, Applicants have amended their claims to exclude chlorine from the definition of substituent R^2.

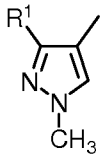
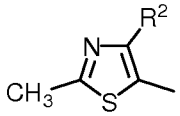
As to any subject matter not rejoined for examination, Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

Rejection under 35 U.S.C. 102

Claims 11-12 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,914,344 ("Yoshikawa et al"). Applicants respectfully traverse.

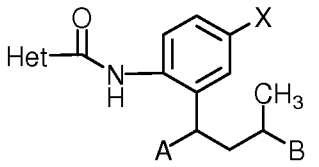
Yoshikawa et al discloses carboxanilide derivatives of the formula



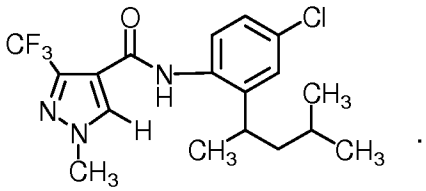
(where the formula is drawn in the same orientation as shown in Applicants' claims for clarity) in which **Het** can be one of the heterocyclic groups  (II1) (where R^1 is trifluoromethyl or difluoromethyl) or  (II2) (where R^2 is trifluoromethyl, difluoromethyl, or methyl); **A** is hydrogen or methyl, and **B** is methyl or ethyl (with the

exclusion of compounds in which A is methyl and B is ethyl), as well as specified intermediates thereof. E.g., column 4, lines 1-67. It should be noted that the benzene ring of the disclosed carboxanilide derivatives for which fungicidal activity is taught does not bear any ring substituents other than the amide and alkyl moieties shown in the above formula. [Applicants also note in this regard that their proviso (a) excludes such "ring unsubstituted" compounds from the scope of their claims.]

Applicants are, of course, aware that Yoshikawa et al discloses halogen-substituted compounds having the formula



(where X is a halogen), including the specific pyrazole carboxamide described in the Final Office Action at pages 3 and 5 having the formula



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However, such compounds are not themselves taught as having biological activity but are instead taught only as chemical intermediates that must be dehalogenated to obtain the desired fungicidally active compounds. See dehalogenation reaction shown for formula (6) at column 7, lines 5 et seq (as well as for the related double bond-containing compound (7) at column 7, lines 50 et seq). It may be noted that compounds having a group X are shown for other reaction schemes at columns 5 and 6 but in those reaction schemes X is described as being only hydrogen. The only halogen-substituted compound of this type that is specifically exemplified in Yoshikawa et al is the pyrazole carboxamide described in the Final Office Action. See column 18, lines 30 et seq, as well as column 19, lines 36 et seq. In fact, all of the more general descriptions given in the specification for the preparation of compounds in which X is a halogen refer to chlorine. For this reason, Applicants have amended their claims (as mentioned above) to exclude chlorine from the definition of substituent R^2.

Applicants therefore respectfully submit that their claimed invention is not anticipated, or even rendered obvious, by Yoshikawa et al.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

By _____
Richard E. L. Henderson
Attorney for Applicants
Reg. No. 31,619

Bayer CropScience LP
2 T.W. Alexander Drive
Research Triangle Park, NC 27709
Phone No.: (919) 549-2183
Facsimile No.: (919) 549-3994
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